

Message Text

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PAGE 01 HELSIN 01394 01 OF 11 081241Z
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S E C R E T SECTION 1 OF 11 HELSINKI 1394

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DEPARTMENT PASS:

AMEMBASSY MOSCOS - IMMEDIATE
NSC - DR. BRZEZINSKI - IMMEDIATE
DOD/SECRETARY OF DEFENSE - IMMEDIATE
DOD/JOINT CHIEFS OF STAFF - IMMEDIATE
ACDA - AMBASSADOR PAUL C. WARNKE - IMMEDIATE

E.O. 11652: GDS
TAGS: PARM PCAT US UR
SUBJ: US/SOVIET CAT: REPORTING CABLE OF MAY 6 PLENARY SESSION

1. GLEB OPENED BY SUGGESTING THAT THE AGENDA BE DIVIDED
INTO THREE PARTS:
--US RESPONSES TO SOVIET PRESENTATION ON PRINCIPLES;
-- ELABORATION OF GUIDELINES APPROACH;
-- HOW THE US REGIONAL APPROACH WOULD WORK.

2. ON THE FIRST AGENDA ITEM HE NOTED THAT HE WOULD USE THE
WORD "CRITERIA", BECAUSE IT IS A GOOD NEUTRAL WORD. IN
RESPONSE TO THE SOVIET DELEGATION REQUEST OF MAY 5, HE PROVIDED
A WORKING PAPER DESCRIBING SIX CRITERIA DERIVED FROM US LAW
GOVERNING ARMS TRANSFERS (TEXT SET FORTH BELOW). HE NOTED THAT
THE US POLICIES REFLECTED IN THE PAPER WOULD ALSO BE USEFUL
GUIDELINES FOR OTHERS, AND BRIEFLY DESCRIBED THE SIX DRAFT
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PAGE 02 HELSIN 01394 01 OF 11 081241Z

CRITERIA AS FOLLOWS:
(A) THE FIRST LISTS THE PURPOSES FOR WHICH ARMS TRANS-
FERS MAY BE MADE. THESE CONFORM TO THE PURPOSE OF THE UN CHARTER.'
(B) THE SECOND REFLECTS THE FIRM POLICY OF MY GOVERNMENT
IN OPPOSITION TO INTERNATIONAL TERRORISM.
(C) THE THIRD MANIFESTS U.S. SUPPORT FOR THE PROMOTION OF HUMAN RIGHT
S. IT TOO IS INTENDED AS A RECOGNITION IN

OUR DOMESTIC LAW OF THE INTERNATIONAL OBLIGATIONS IMPOSED UPON STATES BY THE UN CHARTER.

(D) THE FOURTH IS NO MORE THAN A STATEMENT OF THE OBLIGATION WHICH ALL MEMBERS OF THE UNITED NATIONS HAVE UNDERTAKEN UNDER ARTICLE 48 OF THE CHARTER TO CARRY OUT THE DECISIONS OF THE SECURITY COUNCIL FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY.

(E) THE FIFTH AND SIXTH CRITERIA ARE STATEMENTS OF U.S. POLICY WHICH ARE SO FUNDAMENTAL TO OUR ARMS TRANSFER PROCESS THAT THEY HAVE BEEN ENACTED INTO POSITIVE LAW.

3. GLEB THEN TURNED TO THE SIMILARITIES AND DIFFERENCES BETWEEN THE US WORKING PAPER AND THE SOVIET WORKING PAPER ON CRITERIA PROVIDED TO THE US DELEGATION ON MAY 5. HE IDENTIFIED THE APPARENT SIMILARITIES AS FOLLOWS:

(A) ARMS TRANSFERS MAY BE MADE FOR THE PURPOSE OF PERMITTING THE RECIPIENT TO ENGAGE IN INDIVIDUAL OR COLLECTIVE SELF DEFENSE IN ACCORDANCE WITH THE UN CHARTER.

(B) ARMS TRANSFERS MAY BE MADE TO A STATE THAT IS A VICTIM OF AGGRESSION IN ORDER TO ENABLE THAT STATE TO EXERCISE ITS LEGITIMATE RIGHT OF SELF-DEFENSE.

(C) ARMS TRANSFERS MAY NOT, BE MADE TO A STATE IN VIOLATION OF A MANDATORY DECISION BY THE UN SECURITY COUNCIL UNDER CHAPTER VII OF THE CHARTER.

HE NOTED THAT THESE SIMILARITIES IN THE TWO DRAFTS SUGGEST
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PAGE 03 HELSIN 01394 01 OF 11 081241Z

THERE IS A COMMON GROUND FOR DEALING WITH THIS ASPECT OF THE PROBLEM OF RESTRAINT.

4. GLEB STATED THAT, NOT SURPRISINGLY, THERE WERE ALSO IMPORTANT DIFFERENCES BETWEEN THE TWO DRAFTS, BOTH IN THEIR GENERAL APPROACH AND IN SPECIFIC DETAIL. HE DESCRIBED THREE MAJOR PROBLEMS WE HAVE WITH THE GENERAL APPROACH OF THE SOVIET DRAFT. FIRST, IN THE ABSENCE OF A SECURITY COUNCIL DECISION, IT IS LIKELY THAT SUPPLIERS WILL DISAGREE ON WHETHER A STATE FALLS INTO A PROHIBITED CATEGORY. IT IS OFTEN DIFFICULT TO DETERMINE THE FACTS OF HOW A CONFLICT BEGAN. EACH SIDE MIGHT CALL THE OTHER THE AGGRESSOR. IN SUCH A CASE, ARMS SUPPLIERS SUPPORTING BOTH SIDES MIGHT SIMPLY CONTINUE TO TRANSFER ARMS. EVEN IF THE FACTS ARE CLEAR, AN UNRESTRAINED FLOW OF ARMS TO THE VICTIM OF AGGRESSION WHICH EXCEEDED ITS LEGITIMATE DEFENSE NEEDS MIGHT CAUSE FUTURE DIFFICULTIES. A STATE BELIEVED BY SOME TO FALL INTO THE PROHIBITED CATEGORY MIGHT STILL HAVE VALID DEFENSE NEEDS.

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PAGE 01 HELSIN 01394 02 OF 11 081253Z
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S E C R E T SECTION 2 OF 11 HELSINKI 1394

NODIS

FOR EXAMPLE, A STATE ENGAGED IN A BORDER DISPUTE WITH ONE NEIGHBORING STATE MIGHT BE ATTACKED ON ANOTHER FRONTIER BY A THIRD STATE. HAS THE EXISTENCE OF A BRODER DISPUTE CAUSED THE STATE SUBJECTED TO THE ARMED ATTACK TO LOST ITS RIGHT TO SELF-DEFENSE? THIS WOULD SEEM TO CONFLICT WITH THE UN CHARTER, WHICH PRESERVES SELF-DEFENSE AS AN INALIENABLE RIGHT.

5. A SECOND PROBLEM WITH THE GENERAL APPROACH IN THE SOVIET DRAFT IS THAT IT WOULD ENCOURAGE SUPPLIERS TO TRY TO JUSTIFY THE ACTS OF THOSE RECIPIENTS WITH WHOM THEY HAVE IMPORTANT POLITICAL RELATIONS. IF AN ADMISSION THAT THE RECIPIENTS' CONDUCT IS WRONGFUL REQUIRES THE SUPPLIER TO ACT AGAINST ITS POLITICAL INTERESTS BY SUSPENDING THE ARMS TRANSFERS, SUPPLIERS MAY WELL BE TEMPTED TO DEFEND THE RECIPIENT'S CONDUCT, AS LAWFUL, WHETHER OR NOT IT IS LAWFUL. IN OTHER WORDS, IT MAY INDUCE THE SUPPLIER TO BEND THE LAW AND DESTROY WHATEVER USES IT HAS.

6. A THIRD PROBLEM IN THE GENERAL APPROACH OF THE SOVIET PAPER IS THAT THE SUGGESTED SOVIET PRINCIPLES DO NOT DEAL ADEQUATELY WITH SITUATIONS WHERE REGIONAL TENSIONS ARE NOT SO HIGHT THAT ARMED CONFLICT HAS BEGUN OR IS IMMINENT. IN THESE AREAS, UN-RESTRAINED ARMS TRANSFERS MAY BE CONTRIBUTING TO AN ARMS RACE OR TO INSTABILITY WHICH COULD ULTIMATELY LEAD TO CONFLICT. AND IN THESE AREAS COOPERATIVE ARMS TRANSFER RESTRAINT MIGHT BE EFFECTIVE IN
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PAGE 02 HELSIN 01394 02 OF 11 081253Z

ABATING THE TENSIONS, RELIEVING ECONOMIC BURBENDS, AND AVOIDING CONFLICT.

7. GLEB THEN RAISED THE FOLLOWING FOUR PROBLEMS WITH THE SPECIFICS OF THE SOVIET APPROACH:

(A) WE DO NOT AGREE THAT ARMS TRANSFERS TO A VICTIM OF AGGRESSION SHOULD BE UNRESTRAINED AND WITHOUT REGARD TO DEFENSIVE NEEDS. OTHERWISE, IN CORRECTING ONE PROBLEM, A NEW PROBLEM IS CREATED.

(B) THE SOVIET PAPER CITED A PRINCIPLE REFERRING TO "FIGHTING" TO ELIMINATE THE CONSEQUENCES OF AGGRESSION", GLEB POINTED OUT THAT WE DID NOT UNDERSTAND WHAT IS MEANT BY THIS, AND WOULD APPRECIATE CLARIFICATION.

(C) THE DECLARATION OF FRIENDLY RELATIONS REFERS TO THE RIGHT OF A PEOPLE SEEKING TO EXERCISE SELF-DETERMINATION. WE RECOGNIZE THAT THE UN CHARTER PROVIDES THE RIGHT OF SELF-DETERMINATION, BUT WE DO NOT AGREE THAT THIS PRINCIPLE AUTHORIZES ARMED SUPPORT FOR AN INSURGENCY AGAINST THE GOVERNMENT OF ANOTHER STATE.

(D) THERE ARE MANY CONFLICTING CLAIMS TO TERRITORY THROUGHOUT THE WORLD. WE DO NOT BELIEVE THE EXISTENCE OF SUCH CLAIMS, IN ITSELF, IS A BASIS FOR CONDEMNING ARMS TRANSFERS TO ONE OF THE CLAIMANTS.

8. IN SUMMARIZING, GLEB STATED THAT WE DO NOT BELIEVE THAT COMING TO AGREEMENT ON SOME OF THE CRITERIA WE HAVE DISCUSSED WILL BE SUFFICIENT TO HAVE ANY SUBSTANTIAL EFFECT IN SOLVING THE PROBLEMS THAT ARMS TRANSFERS CAUSE FOR BOTH OF US. FIRST, THERE ARE TOO MANY VARYING CIRCUMSTANCES TO PERMIT OUR ACTIONS TO BE PREDETERMINED BY UNIVERSAL CRITERIA. SECONDLY, WE DO NOT ALWAYS AGREE ON THE APPLICATION OF EVEN THOSE PRINCIPLES WE AGREE ON. THIRDLY, THE PRINCIPLES WE MIGHT BE ASKED TO AGREE ON ARE OFTEN NOT
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PAGE 03 HELSIN 01394 02 OF 11 081253Z

PERTINENT TO CURRENT SITUATIONS. GLEB EMPHASIZED THAT THE UTILITY OF ANY CRITERIA CAN BEST BE DETERMINED BY CONSIDERING HOW THEY MIGHT BE APPLIED IN PARTICULAR REGIONS. EXAMINATION OF SEVERAL REGIONS WOULD PROVIDE WORTHWHILE CLARIFICATION. IT IS ONLY IN THE CONTEXT OF REGIONS, REAL CASES, THAT WE CAN UNDERSTAND THE IMPORT AND SIGNIFICANCE OF THE CRITERIA WHICH SHOULD GUIDE OUR ARMS TRANSFER DECISIONS.

9. MENDELEVICH EXPRESSED THANKS FOR THE QUICK REACTION BY THE US TO THE SOVIET POLITICAL/LEGAL CRITERIA APPROACH. HE CONGRATULATED THE US DELEGATION FOR PREPARING A QUICK REACTION, WITH SEPARATE CONGRATULATIONS TO DELEGATION MEMBER MICHEL. HE ALSO EXPRESSED APPRECIATION FOR THE US WORKING PAPER (TEXT FOLLOWS) HANDED OVER AT THE START OF THE MEETING.

10. MENDELEVICH NOTED THE US WORKING PAPER WAS A SUMMARY OF CURRENT US LAW. HE SAID THE SOVIET WORKING PAPER WENT BEYOND EXISTING SOVIET LAWS AND THAT WAS WHY HE HAD SUGGESTED DISCUSSING

IT TO LOOK FOR SIMILARITIES AND DIFFERENCES. HE THOUGHT BOTH THE
US AND THE USSR COULD GO BEYOND THE LIMITATIONS OF EXISTING LAWS,
PERHAPS IN THE FORM OF POLITICAL RECOMMENDATIONS.

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PAGE 01 HELSIN 01394 03 OF 11 081328Z
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S E C R E T SECTION 3 OF 11 HELSINKI 1394

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11. REFERRING TO THE US LANGUAGE ON HUMAN RIGHTS
MENDELEVICH ADVANCED THE IDEA THAT IT MIGHT BE POSSIBLE
TO GO BEYOND THIS CONCEPT AND SUGGEST A BAN ON ARMS
TRANSFERS TO STATES VIOLATING HUMAN RIGHTS NOT ONLY IN
THEIR OWN COUNTRY BUT IN OTHER COUNTRIES AS WELL. NOT ONLY
SHOULD APARTHEID BE CONSIDERED AN OBSTACLE TO ARMS SALES,
BUT ALSO MASS VIOLATIONS OF HUMAN RIGHTS IN OCCUPIED TERRITORIES
SHOULD ALSO BE A BASIS FOR SUCH A BAN.

12. MENDELEVICH CONSIDERED IT POSITIVE THAT THE US THOUGHT
IT NECESSARY TO CONTINUE WORK ON CRITERIA DURING FUTURE
CONSULTATIONS AND NEGOTIATIONS. HE SAID THE POINTS OF SIMILARITY
IN BOTH PRESENTATIONS WERE PROBABLY GREATER THAN GLEB HAD
ENUMERATED. AS AN EXAMPLE, HE CITED THE THIRD POINT IN THE
US WORKING PAPER AND THE FOURTH POINT, SECOND SECTION, IN
THE SOVIET WORKING PAPER. EXISTING SIMILARITIES, EVEN THOUGH
ONLY PARTIAL, AND US READINESS TO WORK CREATED A GOOD BASIS
FOR FURTHER WORK.

13. MENDELEVICH THEN MADE THREE POINTS ABOUT THE GENERAL
SOVIET APPROACH. FIRST, WHEN THERE WAS NO SECURITY COUNCIL
DECISION, SUPPLIERS MIGHT DECIDE DIFFERENTLY WHETHER OR NOT
RECEIPIENTS SHOULD BE ELIGIBLE TO RECEIVE ARMS. PERHAPS
SOME "RECOMMENDATIONS" CARRYING
GREAT MORAL IMPORTANCE COULD BE FORMULATED WHICH WOULD AFFECT
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PAGE 02 HELSIN 01394 03 OF 11 081328Z

THE DECISIONS OF OTHER STATES REGARDING IMPLEMENTATION OF DECISIONS TO SUPPLY ARMS. THIS WOULD PRESERVE A DEGREE OF FLEXIBILITY. ALTHOUGH DIFFERENCES IN VIEW WOULD ARISE, THEY SHOULD NOT BE OVERESTIMATED.

14. MENDELEVICH ILLUSTRATED THIS POINT BY REFERRING TO RECENT EVENTS IN THE HORN WHERE NO SECURITY COUNCIL

DECISION HAD BEEN REACHED REGARDING AN AGGRESSOR STATE. NEITHER THE US NOR OTHER STATES HAD SUPPLIED ARMS TO SOMALIA, AT LEAST NOT OFFICIALLY. MENDELEVICH NOTED THERE WERE DOUBTS ABOUT TRANSFERS VIA THIRD STATES, BUT AS A STATE THE US DID NOT SUPPLY ARMS. THE US WAS GUIDED BY CERTAIN CRITERIA AND MENDELEVICH CONSIDERED THIS A POSITIVE ELEMENT. HE SUGGESTED FURTHER THOUGHT ABOUT THE STATUS OF DECISIONS WHICH COULD ARISE IN FUTURE CONSULTATIONS WHEN THERE WAS NO SECURITY COUNCIL DECISION REGARDING AN AGGRESSOR.

15. MENDELEVICH CHARACTERIZED AS PARTIALLY CORRECT THAT SUPPLIERS MIGHT JUSTIFY TRANSFERS TO RECIPIENTS BECAUSE OF SPECIAL INTERESTS. THIS WAS POSSIBLE BUT INTERNATIONAL CONSCIOUSNESS WAS INCREASING AND ACCEPTANCE OF SUCH CRITERIA WOULD HAVE A POSITIVE INFLUENCE ON DECISIONS.

16. MENDELEVICH CITED THE DOCUMENT ON DEFINITION OF AGGRESSION WHICH, WHILE NOT INTERNATIONAL LAW, INFLUENCED GOVERNMENTAL DECISIONS ON CERTAIN PROGRAMS, EVEN THOUGH STATES DID NOT OFTEN REFER TO IT.

17. REFERRING NEXT TO FOUR SPECIFIC POINTS RAISED BY GLEB, THE FIRST OF WHICH CONCERNED PROVIDING EXCESSIVE HELP TO VICTIMS OF AGGRESSION, MENDELEVICH THOUGHT SOVIET CRITERIA COVERED 99 PERCENT OF THE PROBLEMS. IT WAS STILL

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PAGE 03 HELSIN 01394 03 OF 11 081328Z

POSSIBLE 1 PERCENT WAS LEFT UNCOVERED.

18. REGARDING GLEB'S QUESTION ABOUT WHAT "FIGHTING TO ELIMINATE THE CONSEQUENCES OF AGGRESSION" MEANT, MENDELEVICH EXPLAINED THIS MEANT FIRST OF ALL THE LIBERATION OF TERRITORY. LIBERATION OF SOVIET TERRITORY OCCUPIED BY THE GERMANS WAS A CLEAR CASE. OR, IF FOR EXAMPLE, CANADA OCCUPIED THE STATE OF WASHINGTON, LIQUIDATION OF THE CONSEQUENCES OF AGGRESSION WOULD BE LIBERATION OF THAT STATE.

19. REGARDING THE DECLARATION ON FRIENDLY RELATIONS, AND ITS APPLICATION TO SELF DETERMINATION, LARGELY PREPARED AS THE RESULT OF US/SOVIET WORK, MENDELEVICH AGREED THAT THERE COULD BE DIFFERENT INTERPRETATIONS. FOR EXAMPLE, THE DOCUMENT COULD BE READ AS REQUIRING ALL STATES TO RENDER SUPPORT TO NAMIBIA. THERE WAS NO LEGAL OBLIGATION, BUT RATHER A MORAL FIGHT TO RENDER SUCH ASSISTANCE. SUCH A RIGHT WAS ALSO CONTAINED IN A NUMBER OF SECURITY COUNCIL RESOLUTIONS. MENDELEVICH CITED PARAGRAPH 13 OF RESOLUTION NUMBER 253 DATED MAY 29, 1968. THIS CONCERNED ALL UN MEMBERS RENDERING MORAL ASSISTANCE TO THE PEOPLE OF SOUTHERN Rhodesia IN THEIR FIGHT FOR INDEPENDENCE. MENDELEVICH SAID THE US HAD SUPPORTED IT TOO.

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PAGE 01 HELSIN 01394 04 OF 11 081356Z
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S E C R E T SECTION 4 OF 11 HELSINKI 1394

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20. MENDELEVICH SAID HE HAD TWO OBJECTIONS TO GLEB'S REMARKS ON THE RIGHT OF STATES TO RECEIVE ARMS WHEN TERRITORIAL CLAIMS WERE INVOLVED. THE FIRST WAS OF A POLITICAL/HISTORICAL NATURE. ALL WARS WERE STARTED BY TERRITORIAL CLAIMS. BECAUSE OF THAT, THE USSR HIGHLY ESTEEMED THE PRINCIPLE OF INVIOABILITY OF FRONTIERS. REFERRING THEN TO THE CSCE FINAL ACT, ALL OF WHOSE TEN PRINCIPLES WERE OF PRIMARY SIGNIFICANCE WITH NONE MORE IMPORTANT THAN THE OTHERS. MENDELEVICH ASKED RHETORICALLY HOW THE US COULD CONNECT ARMS TRANSFERS RESTRAINT WITH THE SEVENTH PRINCIPLE ON HUMAN RIGHTS AND NOT WITH THE THIRD PRINCIPLE ON INVIOABILITY OF FRONTIERS. MENDELEVICH THOUGHT US ARGUMENTS HERE WERE PERHAPS TOO NEGATIVE AND CALLED FOR FURTHER WORK. REFERRING AGAIN TO THE DRAFTING OF THE CSCE PRINCIPLES AND THE DEFINITION OF AGGRESSION, HE THOUGHT THE DIFFERENCES IN VIEW WERE GREATER THERE THAN NOW EXISTED OVER CRITERIA.

21. GLEB STATED HE WOULD RESPOND TO MENDELEVICH'S COMMENTS DURING THE THIRD PART OF THE US PRESENTATION. HE THEN TURNED TO THE QUESTION OF ARMS TRANSFER GUIDELINES, DISCUSSED SOMEWHAT AT THE DECEMBER MEETING. HE NOTED THAT THE SOVIET SIDE HAD STATED IN ITS OPENING PRESENTATION THAT THERE IS A NEED TO DETERMINE WHAT TRANSFERS WOULD BE SUBJECT TO LIMITATION AND IN WHAT MANNER. THUS

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PAGE 02 HELSIN 01394 04 OF 11 081356Z

THERE IS SOME BASIS FOR DISCUSSING MILITARY/TECHNICAL GUIDELINES. GELB WENT ON TO STATE, HOWEVER, THAT BEFORE SUCH A DETERMINATION CAN BE MADE, IT WILL BE NECESSARY TO AGREE ON A FRAMEWORK WHICH WILL BE SUFFICIENTLY COMPREHENSIVE TO ENCOMPASS THE VARIOUS TYPES OF CONTROLS WHICH WILL APPLY IN ANY PARTICULAR SITUATION. WE CONTINUE TO BELIEVE THAT THE HARMONIZATION OF NATIONAL GUIDELINES PROVIDES SUCH A FRAMEWORK. ACCEPTANCE OF THIS KIND OF APPROACH WOULD LEAD, IN THE COURSE OF OUR DISCUSSION, TO A COMMON LIST OF WEAPONS WHOSE TRANSFER, EITHER IN GENERAL OR TO PARTICULAR REGIONS, WOULD RAISE CONCERN AMONG ALL SUPPLIERS. IN THIS FRAMEWORK PARALLEL NATIONAL CONTROLS OF SOME STRINGENCY WOULD BE APPLIED TO SUCH WEAPONS.

2. GLEB THEN PROVIDED AN EXTENSIVE DESCRIPTION OF THE GUIDELINE SYSTEM. HE BEGAN BY SAYING THAT THE MOST RESTRICTIVE GUIDELINES WOULD ESTABLISH A PRIORI AT THE OUTSET LIMITATIONS ON THE TRANSFER OF PARTICULAR WEAPONS TO ALL COUNTRIES OTHER THAN THOSE WHO ARE OUR MAJOR SECURITY PARTNERS. AS IN THE CASE OF NUCLEAR AND BIOLOGICAL WEAPONS, THERE ARE CERTAIN TYPES OF CONVENTIONAL WEAPONS THAT NEITHER OF US WOULD WISH TO TRANSFER TO ANYONE, WITH THE POSSIBLE EXCEPTION OF CLOSE ALLIES. MANPORTABLE AIR DEFENSE SYSTEMS, WHICH ARE QUITE SUSCEPTIBLE TO MISUSE BY TERRORISTS, MAY BE SUCH A WEAPON. FUEL AIR EXPLOSIVES, BECAUSE THEIR MISUSE COULD RAISE HUMANITARIAN CONCERNS, MIGHT BE ANOTHER SUCH WEAPON. (AT THIS POINT, THE SOVIET SIDE REQUESTED FURTHER EXPLANATION OF WHAT WAS MEANT BY FUEL AIR EXPLOSIVES. THIS EXPLANATION WAS SUBSEQUENTLY PROVIDED AT A MEETING OF US AND SOVIET MILITARY REPRESENTATIVES).

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PAGE 03 HELSIN 01394 04 OF 11 081356Z

23. GLEB CONTINUED BY SUGGESTING THAT THERE ARE LIKELY

TO BE A LIMITED NUMBER OF WEAPONS WHICH WE COULD AGREE SHOULD BE SUBJECT TO SUCH FAR-REACHING CONTROLS. FOR MOST TYPES OF WEAPONS, HARMONIZED NATIONAL GUIDELINES MUST PROVIDE FOR CONTROLS TAILORED TO THE SPECIFIC MILITARY, POLITICAL, AND ECONOMIC CHARACTERISTICS OF SPECIFIED REGIONS OR SUB-REGIONS. THIS IS BECAUSE IN SUCH CASES, OUR COMMON CONCERN WOULD STEM NOT FROM THE CHARACTERISTICS OF THE WEAPON ITSELF, BUT FROM THE IMPACT OF THE PARTICULAR TYPE OF WEAPON, IN SPECIFIED QUANTITIES, ON THE MILITARY BALANCE IN A PARTICULAR REGION. FOR EXAMPLE, VARIATIONS IN REGIONAL CONDITIONS MIGHT LEAD US TO BAN THE TRANSFER OF SURFACE-TO-SURFACE MISSILES TO ONE REGION BUT NOT TO ANOTHER, OR TO BAN THEM ABOVE A CERTAIN RANGE IN CERTAIN REGIONS.

24. GLEB THEN STATED THAT THE APPLICATION OF WEAPON GUIDELINES IN CERTAIN REGIONS COULD INVOLVE:
(A) A PRIORI PROHIBITIONS OF THE TRANSFER OF CERTAIN TYPES OF PARTICULARLY TROUBLESOME WEAPONS TO SPECIFIED REGIONS--OR PERHAPS, PARALLEL RESTRICTIONS ON THE QUANTITIES EXPORTED TO PARTICULAR REGIONS.
(B) A REQUIREMENT FOR PRIOR CONSULTATION ON THE TRANSFER OF CERTAIN OTHER TYPES OF WEAPONS TO PARTICULAR REGIONS.

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S E C R E T SECTION 5 OF 11 HELSINKI 1394

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(C) NOTIFICATION OF PLANNED TRANSFERS OF OTHER CATEGORIES OF WEAPONS TO SPECIFIED REGIONS.

25. HE RECALLED THAT IN DECEMBER WE HAD ALSO MENTIONED CERTAIN OTHER GUIDELINES TO COVER CO-PRODUCTION AND RE-TRANSFERS. HE NOTED THAT WE WOULD WANT TO INSURE THAT ANY RESTRICTIONS WE PLACE ON TRANSFERS TO PARTICULAR

REGIONS ARE NOT CIRCUMVENTED BY CO-PRODUCTION ARRANGEMENTS OR RETRANSFERS. HE SUGGESTED THAT LIMITATIONS ON CO-PRODUCTION AND RE-TRANSFERS ARE COMPLEX ISSUES AND WOULD WARRANT SPECIAL AND CONTINUING JOINT STUDY ON OUR PARTS.

26. GLEB CONCLUDED BY EMPHASIZING THAT, AS IN THE CASE OF POLITICAL AND JURIDICAL PRINCIPLES, TO IMPLEMENT A GUIDELINES SYSTEM WE MUST LOOK AT CONCRETE SITUATIONS WHICH EXIST IN EACH REGION OR SUB-REGION, AND DEVELOP CONTROLS APPROPRIATE TO THE PARTICULAR CONCRETE SITUATION. ONLY BY LOOKING AT CONCRETE REGIONS CAN WE ACHIEVE CONCRETE RESULTS.

27. IN RESPONDING TO THE US GUIDELINES PRESENTATION, MENDELEVICH SAID HE KNEW OUR POSITION OF THE FOUR POINTS FROM THE DECEMBER ROUND. TODAY THE US HAD ADDED ADDITIONAL IDEAS FOR ENRICHMENT. MENDELEVICH SOUGHT CLARIFICATION OF THE FOLLOWING POINTS.

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PAGE 02 HELSIN 01394 05 OF 11 081404Z

28. ON THE FIRST POINT ABOUT A PRIORI FULL BANS TO ALL COUNTRIES EXCEPT ALLIES, HE NOTED THE US HAD LISTED TWO SYSTEMS. REDEYE AND FUEL AIR EXPLOSIVES. SHOULD NON-NUCLEAR LONG RANGE SSMS AND MODERN NON-NUCLEAR MISSILE FIRING SUBMARINES BE COVERED? HOW DID US VIEW NON-TRANSFER TO NEW AREAS, HE ASKED.

29. REGARDING THE POINT ABOUT DEPLOYING SYSTEMS, SHOULD AWACS TO IRAN OR CBUS TO ISRAEL OR F-15S TO SAUDI ARABIA BE LIMITED? IF AN AGREEMENT EXISTED TODAY, WOULD IT BE POSSIBLE TO SUPPLY SUCH SYSTEMS? WHAT WAS THE BOUNDARY BETWEEN THE PERMISSIBLE AND THE NON-PERMISSIBLE?

30 ON CO-PRODUCTION, MENDELEVICH ASKED ABOUT US AGREEMENT WITH IRAN TO CO-PRODUCE MAVERICK AND TOW. WHAT SHOULD BE BANNED? IF THESE WEAPONS WERE NOT BANNED, WHERE WOULD ONE DRAW THE LINE?

31. ON RETRANSFERS, WHAT NEW MEASURES DID THE US ENVISAGE? MENDELEVICH POINTED OUT BOTH SIDES AND OTHER COUNTRIES NORMALLY INCLUDED ARTICLES PROHIBITING RETRANSFER WITHOUT SUPPLIER CONSENT IN THEIR AGREEMENTS. HE HAD MANY MORE QUESTIONS BUT DID NOT WANT TO LITTER THE TABLE AT THIS POINT.

32. IN RESPONSE GLEB NOTED THAT SUCH QUESTIONS ARE THE WAY TO GET THE DIALOGUE GOING ON THIS SUBJECT. HE REMINDED THE SOVIET DELEGATES THAT WE ARE TALKING ABOUT BOTH A PRIORI GUIDELINE AND REGIONS. IN SOME CASES

GUIDELINES, THOUGH GLOBAL, HAVE REGIONAL APPLICATION.
WE CAN MAKE AN OBJECTIVE JUDGMENT AS TO WHETHER A NEW
WEAPON INTRODUCED INTO A REGION CLEARLY REPRESENTS A NEW
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PAGE 03 HELSIN 01394 05 OF 11 081404Z

LEVEL OF TECHNOLOGY IN THE REGION. GELB AGAIN EMPHASIZED
THAT THE KINDS OF WEAPONS SYSTEM REFERRED TO ARE ILLUSTRATIVE.
WE WOULD EXPECT TO WORK OUT A LIST OF WEAPONS IN
THE COURSE OF OUR FUTURE DISCUSSIONS.

33. GLEB THEN STATED THAT NOW IS NOT THE TIME TO GET
INTO A DISCUSSION OF SPECIFIC US DECISIONS. HE SAID HE
COULD LIST MIG-23S TO IRAQ AND SCUDS TO LIBYA, BUT SUCH
MATTERS ARE BETTER DISCUSSED IN FUTURE MEETINGS. ON THE
QUESTIONS OF RE-TRANSFERS, GELB ASKED WHAT THE SOVIET POSITION
IS ON THIS ISSUE. FOR EXAMPLE, WE HAVE REASON TO
BELIEVE LIBYA IS A STOREHOUSE FOR WEAPONS RE-TRANSFERS TO
MANY AREAS. ON CO-PRODUCTION HE NOTED THAT THERE ARE MANY
FORMS, INCLUDING LICENSING OF SPARE PARTS, KEY ELEMENTS,
OR ASSEMBLY, LEADING TO VARIOUS KINDS OF INDIGENOUS
CAPABILITY. SUCH MATTERS COULD ALSO BE DISCUSSED IN
FUTURE MEETINGS.

34. IN RESPONDING TO GELB, MENDELEVICH SAID HE WANTED
TO GAIN A BETTER UNDERSTANDING OF WHAT MIGHT BE BANNED.
WOULD MIG-23S IN IRAQ BE BANNED?

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PAGE 01 HELSIN 01394 06 OF 11 081455Z
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S E C R E T SECTION 6 OF 11 HELSINKI 1394

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35. MENDELEVICH ASKED FOR CLARIFICATION WHETHER THE TYPES OF WEAPONS TO BE BANNED BECAUSE THEY WOULD CHANGE EXISTING SITUATIONS WOULD BE DETERMINED DURING THE NEGOTIATING PROCESS OR AFTER THE GUIDELINES WERE FIXED IN WHICH CASE EACH SIDE WOULD DETERMINE WHETHER CERTAIN EQUIPMENT WAS SUBJECT TO THE GUIDELINES. WAS THE US TRYING TO PRESERVE FLEXIBILITY?

36. REFERRING TO RETRANSFERS AGAINST AND SOVIET ENFORCEMENT OF THEIR CONTRACT PROVISIONS, MENDELEVICH ADMITTED THAT THE EXISTING MECHANISMS FOR ENDORCING CONTROLS WERE POSSIBLY NOT SUFFICIENT. OTHERWISE, US WEAPONS WOULD NOT HAVE APPEARED IN SOMALIA. SINCE THE US DID NOT SUPPLY THEM, THERE MUST HAVE BEEN SOME TYPE OF RE-TRANSFER. IF THIS HAPPENED WITHOUT US CONSENT IT WAS A PROBLEM FOR US. WAS THE US SUGGESTING THE CREATION OF MORE EFFECTIVE CONTROLS? THE SOVIET SIDE WOULD THINK ABOUT THE PROBLEM, BUT ASKED FOR FURTHER US CONSIDERATIONS SINCE WE HAD RAISED THE PROBLEM.

37. IN REPLY, GELB MADE THE POINT THAT US LAW PROVIDES THAT US WEAPONS CAN'T BE RE-TRANSFERRED WITHOUT US PERMISSION. WHERE WE FIND AN ILLEGAL RE-TRANSFER HAS OCCURRED, WE IMMEDIATELY TAKE ACTION. THE US HAS NOT APPROVED RE-TRANSFERS TO SOMALIA. ON OCCASION, THERE MAY
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PAGE 02 HELSIN 01394 06 OF 11 081455Z

BE AN ILLEGAL TRANSFER WHICH WE DO NOT KNOW ABOUT, AND YOU PERHAPS ARE UNAWARE OF SOME LIBYAN TRANSFERS. GELB THEN DESCRIBED HOW THE GUIDELINES APPROACH WOULD WORK. FOR EXAMPLE, WE HAVE ADOPTED A SELF-IMPOSED GUIDELINE THAT WE WILL NOT BE THE FIRST TO INTRODUCE A NEW OR SIGNIFICANTLY HIGHER LEVEL OF COMBAT CAPABILITY INTO A REGION. ON THIS BASIS WE HAVE TURNED DOWN A SIGNIFICANT NUMBER OF REQUESTS, E.G., A-7S TO PAKISTAN, F-5S TO GUATEMALA. IN THE CASE OF AWACS TO IRAN, THE PRESIDENT DECIDED TO WAIVE THE GUIDELINE FOR A VARIETY OF IMPORTANT REASONS AND, OF COURSE, THIS IS A DEFENSIVE AIRCRAFT. THIS IS THE ONLY EXCEPTION. IF WE COULD REACH AGREEMENT ON THIS GUIDELINE, WE COULD MAKE ALMOST AN OBJECTIVE DETERMINATION AS TO WHETHER A NEW CAPABILITY IS INTRODUCED INTO A REGION. THIS IS A MATTER OF FACT. THIS HIGH DEGREE OF OBJECTIVITY WOULD EXIST IN SPECIFIC SITUATIONS, NOT IN THE ABSTRACT.

38. IN RESPONSE TO GELB, MENDELEVICH SAID IN THE CASE OF IRAN WE HAD INDICATED THE PRESIDENT HAD DECIDED TO WAIVE THESE SELF-IMPOSED GUIDELINES. IF THERE WERE AN INTERNATIONAL AGREEMENT ON LIMITATIONS, COULD ONE SIDE TAKE

UNILATERAL STEPS TO SUPPLY ARMS TO ONE AREA?

39. GELB REPLIED THAT IF WE WERE DISCUSSING A TREATY THERE WOULD BE NO EXCEPTIONS. HARMONIZED NATIONAL GUIDELINES COULD OR COULD NOT PERMIT EXCEPTIONS. THERE WAS A NEED TO STUDY HOW TO MATCH OUR GUIDELINES.

40. GELB THEN TURNED TO UR REGIONAL EXAMPLES, DRAWING ON MENDELEVICH'S SEED METAPHOR. HE STATED THAT IN THE US VIEW, WE HAD FOUND A WAY TO PLANT THAT SEED BY BLEND-
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PAGE 03 HELSIN 01394 06 OF 11 081455Z

ING THE US AND SOVIET APPROACHES. HE EXPRESSED OPTIMISM THAT THE SEED COULD FLOWER IF US AND SOVIET NEGOTIATORS COULD AGREE ON A MECHANISM TO EXAMINE THE POLITICAL AND LEGAL CRITERIA EACH SIDE HAD PROPOSED AND, AT THE SAME TIME, EXAMINE HOW THOSE SUGGESTED CRITERIA, ALONG WITH MILITARY AND TECHNICAL FACTORS, MIGHT BE APPLIED IN SPECIFIC REGIONAL SITUATIONS.

41. GELB OBSERVED THAT THIS PROCESS WOULD INVOLVE A TESTING OF HOW POLITICAL, LEGAL, MILITARY, PROCEDURAL, AND TECHNICAL CRITERIA MIGHT BE APPLIED IN CONCRETE SITUATIONS. HE STATED THAT THIS BLENDING IS THE WAY TO MAKE PRACTICAL PROGRESS.

42. GELB THEN EXPLAINED THAT SEVERAL REGIONAL EXAMPLES COULD BE PARTICULARLY INSTRUCTIVE CONCERNING THE SYNTHESIS OFFERED BY THE AMERICAN SIDE. AND IN THAT SPIRIT, EXAMPLES WOULD BE REVIEWED IN SEMINAR FASHION, WITHOUT RECRIMINATION, BUT WITH AN EYE TOWARDS THE LESSONS TO BE LEARNED BY OUR MUTUAL EXPERIENCES.

43. HE BEGAN WITH A DISCUSSION OF HORN, NOTING THAT REVIEW OF SUCH A RECENT SITUATION COULD HELP IDENTIFY HOW REGIONALLY APPLIED GUIDELINES MIGHT HAVE PREVENTED THE RECENT CONFLICT THERE AND THE RESULTANT STRAIN WHICH IT CAUSED IN OUR RELATIONS.

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S E C R E T SECTION 7 OF 11 HELSINKI 1394

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44. GELB ASKED, RHETORICALLY, WHAT WOULD HAVE BEEN SOME OF THE ELEMENTS OF A REGIONAL APPROACH TOWARD THE HORN, I.E., AN APPROACH BEFORE THE SITUATION REACHED ITS RECENT PEAK OF TENSION?

45. HE SUGGESTED THAT OUR APPROACH MIGHT HAVE INCLUDED BELATERAL US-SOVIET CONSULTATIONS, MULTILATERAL CONSULTATIONS WITH OTHER SUPLIERS, AND BILATERAL CONSULTATIONS WITH THE RECIPIENTS.

46. GELB REMARKED THAT IN THOSE FORUMS WE MIGHT HAVE REACHED AGREEMENT ON APPROPRIATE POLITICAL/LEGAL CRITERIA. HE THEN OUTLINED SEVERAL CRITERIA WHICH WOULD HAVE BEEN USEFUL, DRAWING ON SEVERAL GENERAL PRINCIPLES WHICH THE SOVIETS HAD CITED, BUT CASTING THOSE PRINCIPLES IN A REGIONAL FRAMEWORK. ESSENTIAL CRITERIA INCLUDED:
A) RESPECT FOR THE INVIOABILITY OF BORDERS;
B) TERRITORIAL INTEGRITY, AND THE SOVEREIGNTY OF AFFECTED STATES;
C) AGREEMENT NOT TO ENCOURAGE OR SUPPORT ANY AGGRESSION IN THE REGION OR, FOR THAT MATTER, IN A BROADER CONTEXT.

47. GELB FOLLOWED WITH AN EXPLICIT CHALLENGE TO THE SOVIETS TO RECONCILE THEIR OWN LEGAL/POLITICAL CRITERIA
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PAGE 02 HELSIN 01394 07 OF 11 090301Z

WITH THE REALITIES OF THE HORN. HE SUGGESTED THAT THE MERE EXISTENCE OF SUCH CRITERIA HAD NOT BEEN ENOUGH, THAT STRICT APPLICATION OF CRITERIA TO SOMALIA'S EXPRESSED IRREDENTIST VIEWS WOULD HAVE YIELDED RESTRAINT, BUT THAT BASE RIGHTS AGREEMENTS AND SYMPATHY TOWARD THE SOMALI POLITICAL STRUCTURE HAD BEEN OVERRIDING.

48. GELB REITERATED THAT SOVIET PROPOSALS ASSUME HARMONY AMONG LEGAL AND POLITICAL PRINCIPLES, BUT THAT IN THE

REAL WORLD SUCH PRINCIPLES OFTEN COLLIDE. CONSEQUENTLY, AGREEMENT ON TERMS OF MILITARY RESTRAINT WOULD HAVE BEEN NECESSARY, E.G., NO FOREIGN COMBAT UNITS TO BE INTRODUCED INTO THE REGION, NO MILITARY BUILDUPS SIGNIFICANTLY BEYOND LEVELS NECESSARY FOR NATIONAL DEFENSE AND INTERNAL SECURITY, AND NO INTRODUCTION OF ADVANCED WEAPONS WHICH WOULD SIGNIFICANTLY RAISE COMBAT CAPABILITIES.

49. GELB ASKED HOW THE APPLICATION OF ELEMENTS OF A REGIONAL APPROACH MIGHT HAVE HELPED TO LIMIT THE GROWTH OF TENSION? HE TERMED THIS THE ACID TEST OF THE REGIONAL APPROACH, AND OUTLINED A SCENARIO AS FOLLOWS:

(A) BILATERAL US-SOVIET CONSULTATIONS COULD HAVE ENABLED US TO AGREE ON THE OBJECTIVE FACTORS OF THE SITUATION IN THE HORN, E.G., ON THE DEGREE OF DANGER OF SOMALI IR-REDENTISM. TO EASE THE STRAIN ON OUR OWN BILATERAL RELATIONS, WE COULD HAVE EXPLAINED THE NATURE OF THE MILITARY FACILITIES WHICH WE EACH ENJOYED IN THESE TWO COUNTRIES AND THUS ALLEVIATED OUR STRATEGIC CONCERN OVER THE INTENTIONS OF YOUR SIDE AND OURS. THIS WOULD HAVE HELPED US TO UNDERSTAND THE FACTORS BEHIND OUR MILITARY COOPERATION WITH THESE COUNTRIES.

(B) OUR AGREED-UPON SUPPORT FOR SUCH PRINCIPLES AS IN-
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PAGE 03 HELSIN 01394 07 OF 11 090301Z

VIOLABILITY OF BORDERS, TERRITORIAL INTEGRITY, AND SOVEREIGNTY MIGHT HAVE GIVEN PAUSE TO THE SOMALIS AND WOULD HAVE LESSENED THE PERCEIVED ETHIOPIAN NEED FOR ADDITIONAL ARMS. OUR AGREEMENT THAT ARMS WOULD NOT BE SUPPLIED TO AID AGGRESSION WOULD HAVE GREATLY REDUCED THE POSSIBILITY OF SOMALI ADVENTURISM.

(C) IF WE COULD HAVE AGREED ON THIS MATTER IT WOULD BE MOST UNLIKELY THAT THE SOMALIS WOULD HAVE EMBARKED ON THEIR POLICY FOR FEAR OF (1) FAILURE AND (2) RETALIATION BY THE VICTIM OF THEIR ACTIONS.

50. GELB WRAPPED-UP THIS HORN PRESENTATION BY DRAWING THE FOLLOWING CONCLUSIONS:

(A) THE IMBALANCE CREATED BY THE TRANSFER OF LARGE QUANTITIES OF ARMS TO THE HORN HAS ALREADY ONCE LED TO SEVERE PROBLEMS, INCLUDING EVENTUAL SOVIET MILITARY EXPULSION FROM SOMALIA AND PROBLEMS FOR US-SOVIET RELATIONS, DESPITE THE EXISTENCE OF THE PRINCIPLES WHICH THE SOVIETS SAY GOVERN THEIR ARMS TRANSFERS.

(B) WHO CAN SAY THAT THE CONTINUING HEAVY FLOW OF ARMS TO THE AREA, ALBEIT TO A SECOND PARTY (ETHIOPIA) AND ALSO ON THE BASIS OF PRINCIPLES, WILL NOT AGAIN CREATE AN IMBALANCE, GIVE RISE TO ETHIOPIAN AMBITIONS, AND LEAD TO FURTHER NEEDLESS DISTURBANCES IN THE AREA AND IN RELATIONS BETWEEN THE US AND THE USSR?

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PAGE 01 HELSIN 01394 08 OF 11 081458Z
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S E C R E T SECTION 8 OF 11 HELSINKI 1394

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(C) THE CASE OF THE HORN OFFERS A RECENT, PRACTICAL
EXAMPLE OF THE KIND OF REGIONAL INSTABILITY WHICH COULD
HAVE BEEN ADDRESSED AT THE OUTSET THROUGH THE APPLICATION
OF POLITICAL, LEGAL, AND MILITARY/TECHNICAL CRITERIA TO
AN AREA OF POTENTIAL TENSION.

51. GELB CAUTIONED, HOWEVER, THAT ONE CAN'T PROMISE
SUCCESS IN AN AREA THOUGH THE APPROACH WE ARE OFFERING,
BUT WITHOUT SUCH AN APPROACH ONE CAN BE CERTAIN THAT
PROBLEMS WILL ARISE.

52. GELB MOVE NEXT TO ILLUSTRATIONS OF HOW CRITERIA
COULD BE APPLIED IN A DIFFERENT REGIONAL CONTEXT. HE
OBSERVED THAT LATIN AMERICA CONTRASTED SIGNIFICANTLY
WITH THE HORN, THE FORMER BEING A REGION WHERE THE
IMMEDIATE PROSPECTS FOR TENSION ARE LOW BUT WHERE POL-
ITICAL DISPUTES COULD GET TRANSLATED EASILY BY STRONG
MILITARY ESTABLISHMENTS INTO ARMS RACES.

53. GELB FRAMED DISCUSSION OF LATIN AMERICA BY RE-
COUNTING US POLICY, NOTING THAT FOR MANY YEARS WE HAVE
BEEN PRACTICING SERIOUS SELF-RESTRAINT IN OUR ARMS TRANS-
FERS TO THAT REGION. WE HAVE TRIED EXPLICITLY TO HOLD
DOWN THE LEVEL OF TECHNOLOGY AND THE TOTAL VOLUME OF OUR
TRANSFERS ON THE BASIS OF OUR PRINCIPLES.

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PAGE 02 HELSIN 01394 08 OF 11 081458Z

54. HE POINTED OUT THAT THERE IS ALSO A CONSIDERABLE HISTORY IN LATIN AMERICAN OF REGIONAL EFFORTS TO PROMOTE RESTRAINT. HE OBSERVED THAT THOSE ATTEMPTS HAVE FAILED, FOR VARIOUS REASONS, BUT THE MOST RECENT ATTEMPT --THE 1974 DECLARATION OF AYACUCHO--WAS FRUSTRATED IN PART BY THE ACTIVITIES OF SUPPLIERS, WHO SEEMINGLY IGNORED THIS EXPRESSION OF CONCERN WITH THE ANDEAN REGION.

55. GELB THEN RAISED OUR INITIATIVE WITH PEREZ, BUT IN VERY CAUTIOUS AND HYPOTHETICAL TERMS, AND WITHOUT REFERENCE TO THE PERSONALITIES INVOLVED.

56. HE SUGGESTED THAT IF THERE WAS INTEREST IN RE-SUSCITATING THE AYACUCHO DECLARATION AND MAKING A NEW ATTEMPT TO IMPLEMENT IT, WHAT WOULD WE (US AND SOVIETS) DO IN TERMS OF OUR MODEL TO AID THIS PROCESS? GELB RECOMMENDED THAT TO SUPPORT THIS INITIATIVE, SHOULD IT OCCUR, SUPPLIERS COULD PLEDGE TO OBSERVE A SERIES OF MEASURES TO SUPPORT A REGIONAL NEGOTIATING EFFORT. MEASURES MIGHT INCLUDE:

- (A) PRIVATE AND PUBLIC EXPRESSION OF SUPPORT FOR REGIONAL RESTRAINT;
- (B) TECHNICAL ADVISORY SUPPORT FOR THE REGIONAL NEGOTIATIONS; AND
- (C) NO ARMS SUPPLIES TO THE REGION THAT WOULD ALTER THE CURRENT BALANCE, MEANING NO NEW LEVELS OF TECHNOLOGY, NO LARGE QUANTITIES OF EQUIPMENT, AND NO LARGE VOLUME OF SALES THAT WOULD AFFECT THE ECONOMIC AND SOCIAL BURDEN OF DEFENSE. MOREOVER, SUPPLIERS SHOULD AGREE NOT TO CIRCUMVENT RESTRAINT THROUGH CO-PRODUCTION DEALS THAT WOULD HELP COUNTRIES OF THE REGION TO EVADE AGREED

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PAGE 03 HELSIN 01394 08 OF 11 081458Z

REGIONAL LIMITATIONS.

- (D) NO INTRODUCTION OR SUPPORT FOR THE INTRODUCTION OF OUTSIDE MILITARY COMBAT FORCES EXCEPT AS PART OF REGIONAL COLLECTIVE SECURITY PROCEDURES;
- (E) SUPPORT FOR AN EVENTUAL AGREEMENT BY NOT SUPPLYING APOSTATE COUNTRIES BEYOND THE LIMITATIONS SET BY THE AGREEMENT.

57. GELB CLOSED HIS PRESENTATION BY DESCRIBING THE REGIONAL APPROACH AS A "PRINCIPLED BLENDING" OF OUR CRITERIA WITH THE REAL WORLD.

58. IN RESPONDING TO GELB'S PRESENTATIONS ON THE HORN AND LATIN AMERICA, MENDELEVICH SAID HE FOUND THE MODELS

INTERESTING, ESPECIALLY THE ARGUMENT THAT ARMS TRANSFERS BE BANNED TO COUNTRIES MAKING TERRITORIAL CLAIMS AND WHETHER THE APPLICATION OF CERTAIN LEGAL CRITERIA WOULD CONTRADICT POLITICAL CRITERIA, I.E., PREFERENTIAL TREATMENT OF COUNTRIES WITH A CERTAIN POLITICAL ORIENTATION.

59. MENDELEVICH SAID SOVIET CRITERIA WOULD HAVE FIRST PRIORITY OVER SUPPLIERS' NATIONAL INTERESTS. THE CRITERIA WERE UNIVERSAL AND ABSOLUTE AND APPLICABLE TO ALLIES AND FRIENDS.

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S E C R E T SECTION 9 OF 11 HELSINKI 1394

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60. REGARDING THE US IDEA FOR PRELIMINARY CONSULTATIONS BETWEEN US AND OTHER COUNTRIES, MENDELEVICH CLAIMED TO FIND THE CONCEPT A POSITIVE ONE BUT WARNED THAT SUCH CONSULTATIONS NOT BECOME PATERNALISTIC VIS-A-VIS CERTAIN AREAS. THERE SHOULD BE CERTAIN LIMITS ON THE NATURE OF THE CONSULTATIONS.

61. IF AN AGREEMENT TO CONULT HAD EXISED 15 YEARS AGO, WOULD THE US HAVE CONSULTED THE SOVIETS ABOUT SUPPLYING ARMS TO ETHIOPIA WHICH WAS THEN SURROUNDED BY STATES WITHOUT ARMS? IF GUIDELINES ON CONULTATIONS HAD EXISTED A YEAR AGO WOULD THE US HAVE CONSULTED THE SOVIET UNION ON TRANSFERS TO ISRAEL; CONVERSELY, WOULD THE USSR HAVE BEEN BOLIGED TO CONSULT ON SALES TO SYRIA?

62. GELB AGREED TO RESPOND TO THE SOVIET QUESTIONS. HE STATED THAT THERE IS NO WAY WE WOULD SUBORDINATE LEGAL OBLIGATIONS TO POLITICAL EXPEDIENCY. OUR POINT WAS, DID THEIR INTRODUCTION OF ARMS TO SOMALIA CAUSE THEM TO TAKE

OFFENSIVE ACTION, SINCE SOMALIA HAD TERRITORIAL CLAIMS AT THAT TIME AND ETHIOPIA DID NOT. DURING OUR CONSULTATIONS WE WOULD HAVE ASKED IF THE FACT OF SOMALI CLAIMS SHOULD NOT HAVE AFFECTED SOVIET SUPPLIERS (AND LED TO RESTRAINTS).

63. WITH RESPECT TO PATERNALISM, GELB NOTED THAT HE HAD
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PAGE 02 HELSIN 01394 09 OF 11 081508Z

SAID IN DECEMBER THAT THIS IS CLEARLY SOMETHING WE SHOULD SEEK TO AVOID, BUT THERE IS A DIFFERENCE BETWEEN PATERNALISM ON THE ONE HAND, AND OUR SPECIAL RESPONSIBILITY AS GREAT POWERS TO AVOID CONFLICT ON THE OTHER. HE FURTHER STATED THAT WE WANT TO ENCOURAGE REGIONAL RESTRAINT, BUT SOMETIMES THERE ARE THINGS THAT DON'T OCCUR BY SPONTANEOUS COMBUSTION. ADDITIONALLY, HE ACKNOWLEDGED THE SOVIET QUESTION CONCERNING CONSULTATION ON ETHIOPIA. HE SAID THAT IF WE AGREE TO DISCUSS REGIONS OR SUBREGIONS WE WOULD HAVE TO TALK AT LEAST IN GENERAL TERMS ABOUT JUST THAT SORT OF THING.

64. MENDELEVICH THEN ASKED IF THAT VIEW APPLIED TO ISRAEL AS WELL. GELB RESPONDED CAUTIOUSLY, AFFIRMING WE WOULD DO SO "...IF WE HAD AN AGREEMENT TO DISCUSS THAT REGION."

65. IN RESPONSE, MENDELEVICH FORESAW WORK ON CAT TAKING A LONG PERIOD OR AT LEAST NOT A SHORT ONE. HOWEVER, IT WAS NECESSARY TO SHOW PROGRESS TO THE WORLD. HE REITERATED THAT OTHER SUPPLIERS WOULD INEVITABLY HAVE TO PARTICIPATE AND THE TEMPO OF NEGOTIATIONS WOULD CHANGE. THE PARTICIPATION OF OTHER SUPPLIERS WOULD SLOW DOWN THE PACE OF THESE TALKS.

66. THEN, SPEAKING ON INSTRUCTIONS, MENDELEVICH INTRODUCED A SOVIET PROPOSAL THAT BOTH SIDES AGREE AS EARLY AS POSSIBLE NOT TO SUPPLY ARMS TO STATES BORDERING ONE ANOTHER WHICH WOULD EXCEED NORMAL DEFENSE REQUIREMENTS. THIS WAS NOT A SUGGESTION TO BAN SUPPLIES, BUT RATHER PRESERVED THE RIGHT OF PURCHASING ARMS FROM THE US OR USSR AS NECESSARY FOR SELF-DEFENSE. MENDELEVICH CONTINUED THAT OUR RESPECTIVE NEIGHBORING COUNTRIES SHOULD NOT HAVE
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PAGE 03 HELSIN 01394 09 OF 11 081508Z

LARGE STOCKPILES OF ARMS.

67. THE SOVIET GOVERNMENT SAW THREE ADVANTAGES TO THIS

PROPOSAL:

-- IT COULD BE CARRIED OUT QUICKLY ON A BILATERAL BASIS;
-- ALTHOUGH OUR RESPECTIVE TRANSFERS DID NOT CREATE
DANGER FOR EACH OTHER BECAUSE OF OUR STRENGTH, THERE WERE
GREAT POLITICAL ADVANTAGES IN TAKING SUCH A STEP, I.E.,
REDUCING CERTAIN PROBLEMS CAUSED BY REGIONAL ARMS
RACES;
-- ACCEPTANCE OF THIS PROPOSAL COULD LEAD TO A RE-
DUCTION IN THE INTERNATIONAL SCALE OF ARMS TRANSFERS,
REDUCING IT NOW AND IN THE FUTURE.

68. FINALLY, MENDELEVICH MADE CLEAR THAT THE SOVIET
PROPOSAL WAS A SEPARATE SUGGESTION AND DID NOT RELATE
TO THE CONSIDERATIONS UNDER DISCUSSION ABOUT CRITERIA
OR GUIDELINES.

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S E C R E T SECTION 10 OF 11 HELSINKI 1394

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69. GELB RESPONDED AS FOLLOWS: "IN MY VIEW, YOUR PRO-
POSAL IS PECULIARLY ONE-SIDED AND NOT OFFERED IN THE TONE
OF OUR NEGOTIATIONS TO FIND MUTUAL GROUND. THE COUNTRIES
WHICH BORDER THE SOVIET UNION TO WHICH WE SUPPLY ARMS, AS
YOU ACKNOWLEDGED, DO NOT THREATEN THE SOVIET UNION, AND
WE FEEL WE PROVIDE THOSE ARMS RESPONSIBLY, FOR SELF-
DEFENSE.

70. "FURTHER, I DON'T THINK THIS PROPOSAL WOULD BE
SUBJECT TO RAPID AGREEMENT AS YOU SUGGEST, SINCE THIS IN-
VOLVES A NUMBER OF OUR ALLIES, AND WE WILL NOT UNILATERAL-
LY STRIP THEM OF THEIR SELF-DEFENSE. I AM GLAD THAT THIS
PROPOSAL WAS TABLED APART FROM OUR OTHER CONSIDERATIONS,
SINCE IT IS DIFFERENT IN FORM AND SUBSTANCE.

71. "WE HAVE UNDERTAKEN UNILATERAL ARMS TRANSFER RESTRAINT AND WE HAVE DONE SO IN THE SPIRIT THAT YOU TAKE IT--TO ENCOURAGE RESTRAINT BY OTHERS. WE DO SO IN PART TO DETERMINE THE SERIOUSNESS OF OTHERS IN THIS REGARD. AND, SINCE WE ARE SUBSTANTIAL POWERS WHO CAN TAKE CARE OF OUR OWN DEFENSE, OUR FOCUS SHOULD BE ON THOSE REGIONS WHERE WE CAN HAVE A DECISIVE EFFECT ON THE LEVEL AND SOPHISTICATION OF TRANSFERS."

72. IN COMMENTING ON GELB'S PRELIMINARY REACTION,
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PAGE 02 HELSIN 01394 10 OF 11 081507Z

MENDELEVICH SAID HE UNDERSTOOD THE SOVIET PROPOSAL WOULD BE SENT TO THE USG FOR CONSIDERATION. HE URGED --ALMOST PLEADED--THAT THE DELEGATION NOT PROVIDE AN INSTRUCTED RESPONSE AT THE MAY 8 PLENARY. HE REQUESTED THAT THE USG CAREFULLY ANALYZE THE PROPOSAL WHICH WAS DESIGNED TO COVER NOT ONLY CURRENT PROBLEMS BUT FUTURE ONES AS WELL. HE ASKED THAT WE CONSIDER SOVIET MOTIVES IN MAKING THE PROPOSAL, NOTING IT WAS WITHIN THE SPIRIT OF THE CONSULTATION AND NOT OF A CONTRADICTION NATURE. HE REITERATED THAT THE PROPOSAL WAS QUITE SEPARATE AND NOT LINKED WITH THE TOPICS WHICH WOULD CONTINUE TO BE DISCUSSED AT THE MONDAY PLENARY.

BEGIN TEXT
US WORKING PAPER
POLITICAL AND LEGAL CRITERIA SUGGESTED
BY U.S. LEGISLATION

I. ARMS TRANSFERS MAY BE MADE TO A STATE FOR THE PURPOSE OF:

- INTERNAL SECURITY;
- LEGITIMATE SELF-DEFENSE;
- TO PERMIT THE RECIPIENT TO PARTICIPATE IN REGIONAL OR COLLECTIVE ARRANGEMENTS OR MEASURES CONSISTENT WITH THE UN CHARTER;
- PERMIT THE RECIPIENT TO PARTICIPATE IN COLLECTIVE MEASURES REQUESTED BY THE UN FOR MAINTAINING OR RESTORING INTERNATIONAL PEACE AND SECURITY.

(FOREIGN ASSISTANCE ACT OF 1961, SECTION 502 (22 U.S.C. 2302) ARMS EXPORT CONTROL, SECTION 4 (22 U.S.C. 2754).

II. ARMS TRANSFERS SHOULD NOT BE MADE TO A STATE WHICH AIDS OR ABETS INTERNATIONAL TERRORISM BY GRANTING
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PAGE 03 HELSIN 01394 10 OF 11 081507Z

TO TERRORISTS SANCTUARY FROM PROSECUTION.
(FOREIGN ASSISTANCE ACT OF 1961, SECTION 620A (22 U.S.C.
2371; ARMS EXPORT CONTROL ACT, SECTION 3 (F) 22 U.S.C.
2753))

III. ARMS TRANSFER TO STATES SHOULD BE CONDUCTED IN A
MANNER WHICH WILL PROMOTE AND ADVANCE HUMAN RIGHTS
AND AVOID IDENTIFICATION OF THE SUPPLIER WITH STATES
WHICH DENY TO THEIR PEOPLE INTERNATIONALLY RECOGNIZED
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN VIOLATION
OF INTERNATIONAL LAW.

(FOREIGN ASSISTANCE ACT OF 1961, SECTION 502B (A)(3)
(22 U.S.C. 2304 (A)(3)).

IV. ARMS TRANSFERS MAY NOT BE MADE TO A STATE WHEN SUCH
TRANSFERS WOULD VIOLATE MEASURES WHICH THE SECURITY
COUNCIL HAS DECIDED ARE TO BE EMPLOYED IN ACCORDANCE
WITH CHAPTER VII OF THE UN CHARTER.

(UNITED NATIONS PARTICIPATION ACT, SECTION 5 (22 U.S.C.
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S E C R E T SECTION 11 OF 11 HELSINKI 1394

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V. ARMS TRANSFER DECISIONS SHOULD BE CONSISTENT WITH:

- THE EXTENT AND CHARACTER OF THE RECIPIENT STATE'S
MILITARY REQUIREMENTS, WITH PARTICULAR REGARD TO
THE POSSIBLE IMPACT OF A TRANSFER IN FUELING AN
ARMS RACE; AND
- THE ECONOMIC AND FINANCIAL CAPABILITY OF THE
RECIPIENT STATE, WITH PARTICULAR REGARD TO THE
IMPACT OF A TRANSFER ON PROGRAMS OF ECONOMIC
AND SOCIAL DEVELOPMENT.

(ARMS EXPORT CONTROL ACT, SECTION 1 (22 U.S.C. 27511).)

VI. PROGRAMS FOR, AND PROCEDURES GOVERNING ARMS TRANSFERS

SHOULD BE ADMINISTERED IN A MANNER WHICH WILL BRING
ABOUT ARRANGEMENTS FOR REDUCING THE INTERNATIONAL
TRADE IN IMPLEMENTS OF WAR AND WILL LESSEN THE DANGER
OF OUTBREAK OF REGIONAL CONFLICT AND THE BURDEN OF
ARMAMENTS.

(ARMS EXPORT CONTROL ACT, SECTION 1 (22U.S.C. 2751).)

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Office: ACTION NODS
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: EXDIS
Page Count: 22
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: NODIS
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 16 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2764568
Secure: OPEN
Status: <DBA CHANGED> MCM 20040428
Subject: US/SOVIET CAT: REPORTING CABLE OF MAY 6 PLENARY SESSION
TAGS: PARM, PCAT, UR, US
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/bfe6b4a2-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
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